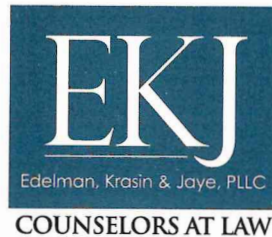


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KARA M. ROSEN ++
MONICA P. BECKER
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OF COUNSEL

+ADMITTED IN NY & DC
++ADMITTED IN NY & NJ

October 11, 2023

VIA ECF
Hon. Jesse M. Furman
United States District Court
Southern District of New York
40 Centre Street, Room 2202
New York, NY 10007

RE: LAVIOLETTE V. DOUGLAS DEOTTO *et al*
CIVIL ACTION NO. 7:22-cv-6244

Dear Judge Furman:

As Your Honor is aware, the undersigned firm represents the plaintiff in this action, Rinaldo Laviolette. I write this letter with the review and consent of all parties. As you may recall, the plaintiff's allegations in this case is that Plaintiff sustained severe personal injuries after being shot in the face by defendant Douglas DeOtto, an off-duty police officer employed by Defendant New York City and the New York City Police Department on March 5, 2022. Issue has been joined in this matter.

As was reported on March 14, 2023, counsel for all parties have complied with the local rules of this case, a Local Civil Rule 83.10 "Plan" case and have exchanged discovery.

We subsequently requested (and were granted) three (3) adjournments of the Initial Conference as we are still awaiting word from a possible Grand Jury Investigation into this incident. The matter was adjourned to October 18, 2023. The undersigned has had some further communication with Marc Lindemann, Esq. of the Suffolk County Attorney's Office. Attorney Lindemann previously advised that Grand Jury action may take place in September. I recently reached out again to Attorney Lindemann who indicated that he would check again and perhaps provide more clarity on the Suffolk County District Attorney's Grand Jury intentions soon. As can be gleaned from our pleadings and prior correspondence, any such action could great importance as regards the civil matter.

Consequently, the parties would respectfully request an adjournment of the Initial

Conference until December 20, 2023 to determine what, if any, action was taken by the Grand Jury and what, if any, consequence this will have on the Civil Proceeding. Any action would inform the parties' next steps of either attempting to lift the 83.10 stay to open wider discovery or to stay the action until any criminal matter has been resolved.

The parties jointly request, therefore, an adjournment of the Initial Conference on October 18, 2023, until December 20, 2023 so that the parties can receive clarity on the next steps (if any) of the Suffolk County Police Department's investigation in the subject matter.

The parties jointly thank the Court for allowing it to address the Court in this matter.

Very truly yours,

DANIEL J. SOLINSKY

CC:

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Application GRANTED. The initial pretrial conference currently scheduled for October 18, 2023 is hereby RESCHEDULED to **December 20, 2023, at 9:00 a.m.** The Clerk is directed to terminate ECF No. 47.

SO ORDERED.

October 11, 2023